

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

May 03, 2023

Nathan Ochsner, Clerk of Court

United States of America
v.
Rodolfo Villasenor RODRIGUEZCase No. **4:23-mj-943**

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 6/1/2022 through 10/24/2022 in the county of Harris in the
Southern District of Texas, the defendant(s) violated:

Code Section

Title 21 U.S.C. 841, 846

Offense Description

Conspiracy to possess with intent to distribute a controlled substance. The substance involved 400 grams or more of N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide, also known as Fentanyl, a Schedule I controlled substance.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Ricardo N Cannon*

Complainant's signature

Ricardo Cannon, Special Agent DEA

Printed name and title

Sworn to and signed by telephone
and I find probable causeDate: May 03, 2023City and state: Houston, Texas

Judge's signature

Andrew M. Edison, United States Magistrate Judge

Printed name and title

4:23-mj-943

Affidavit in Support of Criminal Complaint

I, Ricardo N. Cannon, am a Special Agent (SA) of the Drug Enforcement Administration, being sworn telephonically, depose and state as follows:

I am empowered under Title 21, United States Code, Section 878, to enforce Title 21 and other criminal laws of the United States, to make arrests and obtain and execute search, seizure and arrest warrants. I have been so employed by the Drug Enforcement Administration as a DEA Special Agent since April of 2015. Currently, I am assigned to the DEA Houston Field Division. In connection with my official duties, I investigate criminal violations of the Controlled Substances Act. I have received special training in the enforcement of laws concerning controlled substances as found in Title 21 of the United States Code. In connection with my duties and responsibilities as a law enforcement officer, I have testified in judicial proceedings for violations of laws concerning controlled substances. I have participated in numerous drug trafficking investigations, including investigations that have resulted in felony arrests for violations of Title 21 of the United States Code. I have been involved in various types of electronic surveillance, in the execution of search and arrest warrants, and in the debriefing of defendants, witnesses and informants, as well as others who have knowledge of distribution and transportation of controlled substances, and of the laundering and concealing of proceeds from controlled substances trafficking. Based upon my training and experience in narcotics trafficking cases involving violations of Title 21, I have prepared this affidavit in support of criminal complaint, charging Rodolfo RODRIGUEZ with violations of Title 21.

In May 2022, Special Agent Ricardo Cannon received information that Rodolfo RODRIGUEZ was involved in fentanyl trafficking and distributing thousand pill count quantities of pills containing the presence of fentanyl, in the Houston, Texas area. SA Cannon further developed information that RODRIGUEZ was from Mexico and without legal resident status in the United States.

On June 1, 2022 a cooperating source (CS) acting under the direction of DEA, negotiated the purchase of Fentanyl from RODRIGUEZ. The transaction was agreed to take place at 2331 Bammelwood Apartments in Houston, Texas. At approximately 6:10 p.m., Investigators from the DEA High Intensity Drug Trafficking Area (HIDTA) group H-31 and investigators from the Houston Police Department (HPD) established surveillance at the residence located at 2331 Bammelwood Dr., apt 1509, Houston, Texas. The CS was provided with \$3,250.00. At approximately 7:53 p.m., the CS drove to 2331 Bammelwood Dr. At approximately 8:04 p.m., the CS arrived at the Cypress Ridge Apartments located at 2331 Bammelwood Drive and parked in a visitors parking spot, directly outside the secure residential parking area. At approximately 8:06 p.m., Surveillance Agents observed RODRIGUEZ, who was wearing tan shorts, a black t-shirt, and a black hat, exit a white Nissan. Surveillance Agents then observed

RODRIGUEZ walk to the CS's vehicle and enter the front passenger door. While inside of the CS's vehicle, RODRIGUEZ gave the CS a clear plastic bag containing approximately 1000 suspected fentanyl pills in exchange for \$3,250.00. At approximately 8:08 p.m., SA Trevino observed RODRIGUEZ exited the CS's vehicle and enter the front driver side door of the Nissan. Surveillance Agents then observed RODRIGUEZ drive into the secure residential parking area and park. Surveillance Agents then observed RODRIGUEZ walk into a walkway towards apartment 1509. SA Cannon was able to confirm with the South-Central DEA Laboratory that the pills provided by RODRIGUEZ contained the presence of fentanyl. The approximate 1,000 pill count seized on June 1, 2022 weighed approximately 0.114 kilograms.

On June 16, 2022, at approximately 1:20 p.m., Investigators from the group H-31 established surveillance at 5959 Cypress Creek Parkway, Houston, Texas. On the previous day, Rodolfo RODRIGUEZ agreed to provide the CS with 1,000 fentanyl pills for \$3,000. The CS was provided with \$3,000.00 for the 1,000-fentanyl pill purchase. At approximately 2:22 p.m., Surveillance Units observed the CS drive into the front office parking area and park prior to the main entrance, at the apartment complex located at 5959 Cypress Creek Parkway, Houston, Texas. At approximately 2:23 p.m., Surveillance Agents observed RODRIGUEZ, who was wearing a dark red t-shirt, gold chain and baseball hat, walk towards the CS's vehicle. At approximately 2:26 p.m., Surveillance units observed RODRIGUEZ enter the front passenger side door of the CS's vehicle. While inside the CS's vehicle, RODRIGUEZ gave the CS a green bag containing approximately 1000 suspected fentanyl pills in exchange for \$3,000.00. At approximately 2:28 p.m., surveillance Agents observed RODRIGUEZ exit the CS vehicle and walk to the front entrance gate of the apartment complex. SA Cannon was able to confirm with the DEA South Central Laboratory, at a later date, that the pills provided by RODRIGUEZ on this date did contain the presence of fentanyl. The approximate 1,000 pill count seized on June 16, 2022 weighed approximately 0.114 kilograms.

On October 24, 2022, at approximately 03:30 pm, SA Cannon utilized the UC to conduct an operation in which RODRIGUEZ agreed to provide the UC with an approximate kilogram of powder/brick-like fentanyl for \$10,000. Agents set up surveillance to observe the UC meet with RODRIGUEZ at the Mambos parking lot at 10810 North Freeway in Houston, Texas. At approximately 03:35 pm RODRIGUEZ and an individual later identified as Gaudencia NIETO JIMENEZ (NIETO) arrived in a black Chevrolet Traverse LS with Texas tags RZW1761. RODRIGUEZ was driving and NIETO was his passenger. Agents observed RODRIGUEZ get out and meet with the UC and hand the UC a package wrapped in a plastic bag. RODRIGUEZ was observed by the UC and surveillance as retrieving the package from the back-storage floorboard area of the Traverse and the UC placed the package into his vehicle and RODRIGUEZ proceeded to drive away from the Mambo's parking lot in the Traverse.

The UC advised surveillance that there was another package that appeared to be in the Traverse and that it was wrapped in a suspicious manner and was potentially fentanyl. SA Cannon and GS Ferner advised HPD units on surveillance to conduct a traffic stop of the Traverse. Upon the traffic stop, a second approximate kilogram of

suspected fentanyl was recovered in a black Chevrolet Travers LS (Texas Tags RZW1761) along with \$10,000 in cash that had been provided by the UC. RODRIGUEZ was driving the vehicle at the time of the stop and accompanied by NIETO. HPD Officer Garza asked RODRIGUEZ if there were drugs or contraband in the vehicle and RODRIGUEZ advised that he “had drugs in the car” and specifically in the back-storage area of the Traverse (in Spanish). Officer Garza located an additional package of suspected fentanyl in the back-storage floorboard area of the Traverse along with the \$10,000 in US Currency. After receiving his Miranda warnings RODRIGUEZ admitting to receiving the two packages of fentanyl from an apartment building in Cypress, Texas. RODRIGUEZ also admitted to knowingly distributing the 1 kilogram of fentanyl to an individual, moments prior to the traffic stop.

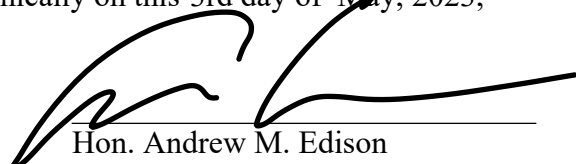
RODRIGUEZ was released from the traffic stop in furtherance of the investigation. SA Cannon processed approximate 2.23 Kilograms of recovered brick-like fentanyl, into the Houston Division Office, as witnessed by SA Cordero. This was the total between the hand to hand transaction with the HPD UC and what was seized from the subsequent traffic stop. Utilizing the MX908 machine located in the Drug Evidence of the Houston Division Office, SA Cannon tested both recovered packages positive for the presence of fentanyl.

Based on my experience and the aforementioned facts and observations, your affiant believes there is probable cause to believe that Rodolfo RODRIGUEZ on June 1, 2022, June 16, 2022 and October 24, 2022, did knowingly, intentionally, and unlawfully possess with intent to distribute approximately one thousand pills (containing fentanyl weighting approximately 0.114 kilograms), one thousand pills (containing fentanyl and weighing approximately 0.136 kilograms) and 2.23 kilograms of fentanyl (powder form), a Schedule 1 controlled substance, in violation of Title 21, United States Code, Sections, 841(a)(1), 841(b)(1)(A) and 846.

Ricardo Cannon

Special Agent Ricardo Cannon
Drug Enforcement Administration

Sworn to and subscribed before me telephonically on this 3rd day of May, 2023,
and I hereby find probable cause.



Hon. Andrew M. Edison
United States Magistrate Judge